



JON S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Veterinary Medical Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 5-1-08



ANNE MILGRAM
Attorney General

LAWRENCE DEMARZO
Acting Director

Mailing Address:
P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

April 18, 2008

By Certified and Regular Mail

Malachy Coyle, M.V.B.
Hillside Animal Hospital
1148 Liberty Avenue
Hillside, New Jersey 07205

Re: **I/M/O MALACHY COYLE, M.V.B.**
Hillside Animal Hospital
Complaint Number: 04-063

Offer of Settlement In Lieu of Disciplinary Proceeding

Dear Dr. Coyle:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to review a complaint it received concerning the professional services you rendered to "Reemy" Johnson, a one (1) year old Dachshund mix, at Hillside Animal Hospital ("Hospital"), beginning in or about March 2004.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint filed by Robert and Detisha Howell with the Board on or about July 28, 2004, as well as any and all attachments and exhibits; and
2. An undated correspondence received in or about December 2004, from Malachy Coyle, M.V.B., along with Reemy's medical records, as well as any and all attachments and exhibits.

Upon review of all available information, the Board has found that probable cause exists to support a finding that you violated, as well as failed to comply with, the Veterinary Medical Practice Act, codified at N.J.S.A. 45:16-1, et seq., and its accompanying regulations, in violation of N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:44-4.9, in that your medical records do not contain information required by the regulation. Additionally, the Board has found that probable cause exists to support a finding that you engaged in professional misconduct, contrary to N.J.S.A. 45:1-21(e), in that you failed to timely respond to an inquiry to provide information in response to a complaint received relative to your professional conduct, in violation of N.J.A.C. 13:45C-1.3.

The Board's review into this matter revealed that Reemy Howell had been a patient at your Hospital beginning on or about March 27, 2004. He was presented to you on or about April 30, 2004, with complaints of diarrhea and blood in her stool. Following your physical examination, you recommended and provided treatment in the form of injections of tribrissen, azium, and an anti-diarrhea medication. Additionally, the dog was sent home with tribrissen tabs and diphenoxylate with atropine, along with cans of I/D dog food. Reemy continued to have diarrhea and blood in her stool and was presented to you again on or about May 18, 2004. According to your written correspondence, as a result of the owner's financial restraints, treatment was confined to a fecal floatation test and additional cans of I/D dog food were purchased by the owners. The owners however allege that Reemy's condition was never resolved by you.

In a letter, sent via regular mail to your Hospital and dated August 9, 2004, the Board provided you a copy of the Howells' complaint and requested that you forward to it your original medical records and a response to the complaint by August 23, 2004. After receiving no response from you by the requested date, a second letter, dated August 23, 2004, was sent to you by the Board requesting that you produce Reemy's original patient records along with your response no later than September 15, 2004. A green receipt card from the certified mailing reveals that you received this document on or about August 31, 2004.

You finally produced the requested records and response in November or December of 2004. In your response, you stated that on the two occasions you examined Reemy, empirical tests were performed and you provided whatever treatment the owners could afford. You further maintain that you were unable to perform your recommended and preferred work-up testing due to the limited funds of the owners.

The Board has concluded, following its review of this complaint, that there is insufficient evidence to initiate any disciplinary action relative to the veterinary care rendered to Reemy. However, the Board, in its review of the matter, had the opportunity to review the patient records you submitted in these matter. The Board concluded, in its review of the patient records of Reemy, that your records failed to failed to contain important and required information relative to the veterinary services provided to the dog. Specifically, the Board finds that the records did not contain, but is not limited to: 1) a history of the presenting problems; 2) all pertinent symptoms and signs observed, namely no physical examination findings; 3) conclusions and/or diagnosis; and 4) such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response, namely no amounts or dosages of medications given.

N.J.A.C. 13:44-4.9(a) provides, in the pertinent portion, that:

A licensee shall maintain a separate patient record for each animal, herd or flock. **All patient records shall accurately reflect the treatment or services rendered. Such records shall include at least the following information:**

1. The name of the facility and identification of the treating licensee. If the patient is treated by anyone other than the licensee, the licensee shall ensure that the identity of the individual providing the service is indicated in the patient record and that the provider initials and dates each entry he or she makes on the patient record;
2. The name, address and telephone number of the owner of the animal;
3. Sufficient information to clearly identify the animal, her or flock (for example, animal name or tattoo, breed or predominant breed species);
4. A history of the presenting problem;
5. All pertinent symptoms and signs observed;
6. Tests ordered or performed and the results thereof;
7. Conclusions and/or diagnosis;
8. The treatment or treatment plan prescribed, including a specific notation of any medications or modalities prescribed;

9. Such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response;
10. The name, initials or other identifying information to indicate the identity of the licensee or agent making the entry in the patient records; and
11. Copies of any consent forms signed by the owner or the owner's representative.

[N.J.A.C. 13:44-4.9(a); emphasis added].

The Board has concluded that your failure to include the requisite information in your patient records constitutes a violation of N.J.A.C. 13:44-4.9.

Additionally, the Board finds that you that you engaged in professional misconduct, contrary to N.J.S.A. 45:1-21(e), in that you failed to timely respond to an inquiry to provide information in response to a complaint received relative to your professional conduct, in violation of N.J.A.C. 13:45C-1.3. The record in this matter clearly indicates that the Board initially requested certain documentation from you, namely Reemy's medical records and your response to the consumer complaint in August 2004. The Board is authorized to make this request by N.J.S.A. 45:1-18 and N.J.A.C. 13:45C-1.2. A second request was made by the Board to you later in August 2004. Without any correspondence or explanation to the Board in the interim, you failed to comply with its request until November or December 2004. The Board has concluded that your failure to timely respond to the Board's request for the patient records and your response to the complaint constitutes a violation of N.J.A.C. 13:45C-1.2.

At this juncture, the Board has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1.A formal reprimand for violating the mandates of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:44-4.9, the Board's patient records rule;

2.Cease and desist from violations of the patient record rule, namely N.J.A.C. 13:44-4.9(a);

3.Cease and desist from violating the mandates of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:45C-1.3, by cooperating with the Board's requests for records and information;

4.Pay a penalty in the amount of **\$1,500.00**, for the record keeping violations, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a).

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate disciplinary action.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Leslie G. Aronson
LESLIE G. ARONSON, EXECUTIVE DIRECTOR

ACKNOWLEDGMENT: I, **MALACHY COYLE, M.V.B.**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the total amount of **\$1,500.00**. I also agree to adhere to the other provisions enumerated in this settlement letter.


MALACHY COYLE, M.V.B.

DATED:

cc: Olga E. Bradford, Deputy Attorney General
Robert B. Hille, Esquire